

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CONTRARIAN CAPITAL MANAGEMENT, L.L.C.,  
CONTRARIAN CAPITAL FUND I, L.P.,  
CONTRARIAN CAPITAL SENIOR SECURED, L.P.,  
CONTRARIAN EM II, LP, CONTRARIAN  
EMERGING MARKETS, L.P., POLONIUS  
HOLDINGS, LLC, CONTRARIAN FUNDS, L.L.C.,  
and CONTRARIAN DOME DU GOUTER MASTER  
FUND, LP,

Plaintiffs,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Misc. No. 21-18-LPS

CONTRARIAN CAPITAL MANAGEMENT, L.L.C.,  
CONTRARIAN CAPITAL FUND I, L.P.,  
CONTRARIAN DOME DU GOUTER MASTER  
FUND, LP, CONTRARIAN CAPITAL SENIOR  
SECURED, L.P., CONTRARIAN EM II, LP,  
CONTRARIAN EMERGING MARKETS, L.P.,  
POLONIUS HOLDINGS, LLC, CONTRARIAN  
FUNDS, L.L.C., EMMA 1 MASTER FUND, L.P., and  
E1 SP, A SEGREGATED ACCOUNT OF EMAP SPC,

Plaintiffs,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Misc. No. 22-131-LPS

CONTRARIAN CAPITAL MANAGEMENT, L.L.C.,  
CONTRARIAN CAPITAL FUND I, L.P.,  
CONTRARIAN DOME DU GOUTER MASTER  
FUND, LP, CONTRARIAN CAPITAL SENIOR  
SECURED, L.P., CONTRARIAN EM II, LP,  
CONTRARIAN EMERGING MARKETS, L.P.,  
BOSTON PATRIOT SUMMER ST LLC, POLONIUS  
HOLDINGS, LLC, CONTRARIAN FUNDS, L.L.C.,  
EMMA 1 MASTER FUND, L.P., and E1 SP, A  
SEGREGATED ACCOUNT OF EMAP SPC,

Plaintiffs,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Misc. No. 22-263-LPS

RUDI LOVATI and  
ALESSANDRO LUCIBELLO PIANI,

Plaintiffs,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Misc. No. 23-340-LPS

PHARO GAIA FUND LTD. and  
PHARO MACRO FUND LTD.,

Plaintiffs,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Misc. No. 23-360-LPS

PHARO GAIA FUND LTD., PHARO MACRO FUND LTD. and PHARO TRADING FUND, LTD.,

Plaintiffs,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Misc. No. 23-361-LPS

GRAMERCY DISTRESSED OPPORTUNITY FUND LLC,

Plaintiff,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Misc. No. 23-378-LPS

GRAMERCY DISTRESSED OPPORTUNITY FUND LLC,

Plaintiff,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Misc. No. 23-379-LPS

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SAINT-GOBAIN PERFORMANCE PLASTICS  
EUROPE,

Plaintiff,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

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Misc. No. 23-397-LPS

### **NOTICE OF APPEAL**

Pursuant to Federal Rules of Appellate Procedure 3 and 4, notice is hereby given that Petróleos de Venezuela, S.A. (“PDVSA”), intervenor-defendant in the above-captioned cases, hereby appeals to the U.S. Court of Appeals for the Third Circuit from this Court’s Opinion and Order dated November 1, 2023 (“November 1 Order”), and all interlocutory orders and opinions giving rise to the November 1 Order. Among other things, that order denied PDVSA’s cross-motion to dismiss based on sovereign immunity under the Foreign Sovereign Immunities Act (FSIA), 28 U.S.C. 28 U.S.C. §§ 1330, 1602, *et seq.*

In the stipulations governing these cases, the parties agreed that, unless reversed, modified, or overruled, the Third Circuit’s decision in *OI European Grp. B.V. v. Bolivarian Republic of Venezuela*, 73 F.4th 157 (3d Cir. 2023), establishes that PDVSA and its assets are not immune from the attachment motions in these actions. Furthermore, PDVSA expressly preserved its right to appeal from the Court’s FSIA determination. *See* No. 21-18, D.I. 52 at 3; No. 22-131, D.I. 51 at 3; No. 22-263, D.I. 51 at 3; No. 23-340, D.I. 11 at 3; No. 23-360, D.I. 11 at 3; No. 23-361, D.I. 11 at 3; No. 23-378, D.I. 18 at 4; No. 23-379, D.I. 17 at 4; No. 23-397, D.I. 11 at 4. Because the November 1 Order denied PDVSA’s cross-motion to dismiss on FSIA grounds, that order is immediately appealable under the collateral order doctrine. *Crystallex Int’l Corp. V. Bolivarian Republic of Venezuela*, 932

F.3d 126, 136 & n.3 (3d Cir. 2019) (citing *Fed. Ins. Co. v. Richard I. Rubin & Co.*, 12 F.3d 1270, 1279-82 (3d Cir. 1993)). PDVSA files this notice of appeal to preserve its rights consistent with the parties' stipulations.

HEYMAN ENERIO GATTUSO & HIRZEL, LLP

/s/ Samuel T. Hirzel, II

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